EXHIBIT NO. 1

3(a)
3-28-06

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

Public Hearing Meeting
Saturday, February 25, 2006 - - 9:30 a.m.

* * * * *

Present: Mayor William D. Euille, Vice Mayor Redella S. Pepper, Members of Council Ludwig P. Gaines, K. Rob Krupicka, Andrew H. Macdonald, Paul C. Smedberg and Joyce Woodson.

Absent: None.

Also Present: Mr. Hartmann, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Deputy City Manager; Mr. Jinks, Deputy City Manager; Mr. Baier, Director, Transportation and Environmental Services; Mr. Culpepper, Deputy Director, T&ES; Ms. Baker, City Engineer; Ms. Fogarty, Director, Planning and Zoning; Mr. Farner, Planning and Zoning; Mr. Josephson, Planning and Zoning; Ms. Petersen, Planning and Zoning; Mr. Mason, Acting Public Information Officer and Special Assistant to the City Manager; Police Lt. Uzzell; Deputy Police Chief Corle; Police Lt. Gibson; Mr. Dahlberg, Director, Code Enforcement; Mr. Blakeley, Deputy Director, Recreation, Parks and Cultural Activities; Ms. Vosper, Landscape Architect, Recreation, Parks and Cultural Activities; Ms. Durham, Office Space Coordinator, Recreation, Parks and Cultural Activities; Ms. Collinson, Recycling Coordinator, Transportation and Environmental Services; and Mr. Lloyd.

Recorded by: Jackie M. Henderson, City Clerk and Clerk of Council

OPENING

1. Calling the Roll.

The meeting was called to order by Mayor Euille, and the City Clerk called the Roll; all the Members of City Council were present.

New Business Item No. 1: Deputy Chief Corle of the Police Department made a report on the fatal shooting by an off-duty uniformed Police Officer at the IHOP Restaurant in the 6200 block of Duke Street overnight and noted how the investigation will proceed.

2. Public Discussion Period.

(a) Debra Chandler, 6101 Edsall Road, said that joining her today were seven

other residents of the West End, and she spoke about damage to vehicles and vandalism in their neighborhood in the West End by children and the costs to the residents and the condominium association, and she said the problem is escalating. She said there is no curfew for the children, they need to be proactive, and someone needs to be accountable for the children.

Mayor Euille said he was sure the Police Department and City Manager's office would look into this.

Police Lt. Gibson noted the reports of destruction and vandalism that have occurred and the increased enforcement.

(b) Amy Slack, 2307 E. Randolph Avenue, said Del Ray is home to community building organizations, such as the Del Ray Artisans, whose art show lines the walls on the 2nd floor of City Hall, the Potomac West Business Association, and Del Ray Citizens Association and is home to individuals who volunteer for individual events, such as Art on the Avenue, the Halloween Parade and the Turkey Trott, and serve on committees and have earned a splendid reputation. She said the Council paid the DRCA high praise when it didn't make a controversy over a day labor agency locating in their midst. She said that under the Zoning Ordinance, Ace Temporaries is an allowed use, through a special use permit. She said that finding ways to say yes to business is what the Del Ray Citizens Association does. Even when Del Ray has outright said no, they have laid out a set of yes conditions. Ms. Slack said the land use committee works openly with applicants to find solutions and recommendations. Today Council will consider several items that DRCA has weighed in on, and they found a way to say yes and asked if Council could.

(c) David Fromm, 2307 E. Randolph Avenue, said that two weeks ago, a ground-breaking ceremony marked the culmination of years of planning and the true beginning of construction that will result in 2,000 new homes and hundreds of thousands of square feet of commercial office and retail space. There is still haggling to be done, as it tries to figure out what the Potomac Yard Design Guidelines really mean, but it is possible to sit back and let the project proceed. He said that to do so is to pass up a golden opportunity for the City to acquire a substantial piece of land that could be used as open space, playing fields or a site for a future school. He proposed that the City give serious consideration to negotiating with the developer to reallocate or redistribute some of the approved development within Potomac Yard in order to acquire at least the minimum lane necessary for a school. He said the consequences of that are that it will be necessary to increase the density at some locations within Potomac Yard, it will mean building higher at some locations within Potomac Yard, compensating the developer for lost profit, compensating the developer for the land, and to avoid actual expenditures from the City's coffers, it will mean some increase in the amount of approved development - a density bonus. He asked Council to direct staff to determine the possible options for reallocating the approved development. He said he personally preferred the option to consolidate the development in the land bay south of the bridge by building higher at the end closest to the Braddock Road Metro Station, keeps the

total development the same in that land bay. The increase in density will be modest and could be spread over the remaining land bays or concentrated in the town center. Having more people located in several smaller but key footprints might also help clarify how to maximize the value of a bus rapid transit system in the Potomac Yard corridor, or perhaps justify a new Metro station when the Potomac Yard Shopping Center is redeveloped. He said they need a list of sites that are acceptable to the developer and then it can perform the cost benefit analysis and make an informed decision.

(d) Michelle L'Heureux, 1120 S. Alfred Street, Apt. 203B, said her statement is a collaborative effort by several of the residents of Hunting Terrace and Hunting Towers. She said they are tenants of one of the last affordable apartment complexes in Old Town. In December, they were presented a plan by the developer to redevelop the complex, which would involve the preservation of all units as affordable housing, with the placement of Terrace residents, in exchange for demolition permits for the Terrace and certain zoning variances for its redevelopment. She said that recently, they have learned that the deal is in jeopardy, as VDOT has withdrawn the Towers from sale, preventing Mr. Kay from obtaining the property and implementing Mr. Cecchi's plan. She said the residents at the Terrace who are facing eviction at the end of this year are left wondering what is Plan B. She said they are making two requests. One is that the Council make the redevelopment negotiations open to the residents of Hunting Terrace, Hunting Towers and to members of the public. She said they read about public meetings on the Monroe Street bridge and Jones Point Park and read about debates, exchange of ideas and in some the workings of a viable, inclusive democratic process. She asked why the residents of Hunting Terrace and Towers not afforded the same rights. Residents do not want to be informed of Plan B but want to play an active role in the creation of Plan B. The second request is that Hunting Terrace residents be able to live in their apartments until VDOT sells Hunting Towers to Mr. Kay. The City should not permit the displacement of residents at Hunting Terrace until affordable workforce housing is a guaranteed option for its occupants. In insuring this, she said, Council would be reaffirming its commitment for extraordinary affordable housing at the site of Hunting Towers and Terrace.

Mayor Euille said the matter was discussed with the Woodrow Wilson Bridge Advisory Task Force this past week, they are having meetings with Mr. Cecchi and his representatives next week, and are making contact with the Governor's Office and the Secretary of Transportation to meet with them to encourage every effort to move forward to continue the discussions and sale of the Hunting Towers properties. He said the City is concerned and will move forward with an open dialogue when it comes in and will refer Ms. L'Heureux's request to the owners. He suggested Ms. L'Heureux put her request in writing to the owners.

(e) Patrice Valle, 116 Ingle Place, said she lives in Duke Street Square and spoke about the vandalism issue and said there is egg throwing, tire slashing, rock throwing, graffiti, spray painting and door kicking, and the majority have occurred within the last month. She said it seems to the neighbors that it happens after school lets out or in the middle of the night between midnight and 3:00 a.m. She said there is a

cut-through area, which is a hole in the chain link fence between Foxchase and Duke Street Square, and their guess is that the younger third through sixth graders have been abusing the privilege and have been sneaking around before parents get home and wreaking havoc for fun and games.

Mayor Euille asked the City Manager to have a meeting with the Police, School officials and community to get to the bottom of it.

Councilman Smedberg said this would be an appropriate discussion for the upcoming Quality of Life meeting.

(f) James Hurysz, P.O. Box 5791, Arlington, and said that as a resident of Arlington, Arlington County government puts a tremendous amount of money into after school activities and sports and recreation centers, and almost half of the tax revenue goes to education, sports and recreation. He also spoke about HR4697 and the Medicare prescription drug benefit program and asked people to contact Congressman Moran about the legislation and ask him to co-sponsor the bill.

(g) Julie Crenshaw, 816 Queen Street, said she is concerned about the make-up of the Jamestown Committee, as it is a duplication of the Special Events Committee, and there are a lot of people who have been left out. She said there were people who volunteered with the Department of Recreation and Parks to be part of the committee and they were ignored, and the Waterfront Alliance was not even included. She said one of the reasons it concerns her is that the City Manager was told there was a list and it bothers her because she was the first volunteer. Because this was something of very high quality, of historical nature, she told Janet Barnett she would like to work out some of the problems. She said that when she spoke to Ms. Barnett this week, not only did she not tell her when the meeting was, but she had a member of KSMET and someone on the Waterfront Committee ask her why she wasn't at a meeting. She said none of the volunteers on the list have ever been contacted. She said she told Ms. Barnett to remove her from the list and asked her why the City Manager didn't get it, and she was told that the City Manager knew she had one but never asked her for it. Ms. Crenshaw also spoke to mailings of notices of meetings and said the notices often arrive late and that is in violation of FOIA. She said she sent a letter to the City Manager and told him about the difficulty across the board, that different departments have the same difficulty, and it is something that needs to be looked at. She said she was contacted by Rose Boyd, who wants to put her on another mailing list. She said she sent another email and the City Manager didn't answer that one. Ms. Crenshaw said that at the budget hearing at the Lyceum, there was hardly anyone in the room, and no one sat down with her. She said she went to the Jamestown meeting, and they were greeting people at the door, and no one waited for her to come to be greeted. She said the mailing didn't get to people until the afternoon of the meeting and didn't get to some people until much later. She said there is a significant problem with getting mailings to people to be notified of meetings, to include agendas and minutes and said the problem is the mail goes to the mailroom and what happens at that point, no one can tell. She asked that something be done about the

violation of FOIA.

Mayor Euille asked that information on the make-up of the Committee be given to Council and for staff to look into the concern about the mailing situation.

(h) Kathleen Henry, 213 Laverne Avenue, said she wished to speak about 301 Laverne Avenue. She said shame on the five members of Council who voted to vacate the regular process vote. She said apparently, there was some idea that someone on the adjacent property might acquire the lot and build a huge structure. It is not horrible and it actually looks like the best of everything seen so far and maintains the corner better than any of the housing plans. She said that even though this was done to protect property rights, she didn't think it was the right case and this property was acquired knowing that the staff had said nothing should ever be built there. She said this is not what they want the City to look like and didn't want the precedent. She said this should be stopped now - it is too big for the property and something else can be done.

(i) Charlotte Landis, 433 N. Patrick Street, said she received their tax assessment and they have been reminded that they are part of an historic district - Parker-Gray. She said there are five historic districts in the City and Parker-Gray is the only historic district that does not receive tax credits. She asked why the State and Federal tax credits are available to residents in Old Town, Rosemont, Del Ray and Park Fairfax, but the City has not sought the same for Parker-Gray, and what does Council plan to do on providing Parker-Gray with tax credits to make all neighborhoods equal.

City Attorney Pessoa said he would provide a more formal response, but it relates to whether it is a National Register District and the process to get that status through the Office of Historic Alexandria. He said that coordinating with the City Manager's staff, he will get a response back to Council.

(j) Marlin Lord, 2724 Hickory Street, spoke about the art in City Hall on the 2nd floor. He thanked the Mayor, City Manager, Deputy City Manager Evans, Parks and Recreation Departments, and General Services for making the project possible. He called attention to the reception to be held February 28 prior to the Council meeting.

(k) Boyd Walker, 922 Cameron Street, speaking for the Upper King Street Preservation Group, said they are continuing with their lawsuit against the demolition of the rear of 1520, 1522 and 1524 King Street, even though the developer demolished the two buildings at 1514 and 1516 King Street and virtually demolished 1600 King Street. He said the consequence of the lawsuit is the project could not get started, and he asked Council to work with the planning staff to see if the issue can be resolved. He said the developer has not sat down with them yet to offer to negotiate anything and they would like for that to happen. He said they would also like to see the rear preserved as well.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-5)

Planning Commission

3. SPECIAL USE PERMIT #2005-0119
4600 KING STREET, SUITE 5A
ULTIMATE HEALTH SCHOOLS
Public Hearing and Consideration of a request for a special use permit to operate a training school for nurses (commercial school); zoned OCM (100)/Office Commercial Medium. Applicant: Arangu L.N. Tomdio

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated February 7, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3, 2/25/06, and is incorporated as part of this record by reference.)

4. SPECIAL USE PERMIT #2005-0127
408, 410 EAST GLEBE ROAD & 3006 JEFFERSON DAVIS HIGHWAY
CULTIVATED GARDENS, INC.
Public Hearing and Consideration of a request for a special use permit to operate an outdoor garden center; zoned CSL/Commercial Service Low. Applicant: Janet Sauser

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated February 7, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4, 2/25/06, and is incorporated as part of this record by reference.)

5. SPECIAL USE PERMIT #2005-0132
2520 NORTH CHAMBLISS STREET
HOME CHILD DAY CARE
Public Hearing and Consideration of a request for a special use permit to operate a child day care home; zoned R-12/Residential. Applicant: Vijaya Shah

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated February 7, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5, 2/25/06, and is incorporated as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Vice Mayor Pepper, seconded by Councilman

Macdonald and carried unanimously, City Council approved the action consent calendar, with the deferral of item #3 at the request of staff and the withdrawal of item #4 at the request of the applicant, as follows:

3. This item was deferred at the request of staff.

4. This item was withdrawn at the request of the applicant.

5. City Council approved the Planning Commission recommendation.

The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Macdonald	"aye"	Krupicka	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

6. TEXT AMENDMENT #2005-0008
FOR THE PROPERTIES BOUNDED BY FOUR MILE RUN, JEFFERSON DAVIS HIGHWAY, BRADDOCK ROAD, SLATERS LANE AND THE GEORGE WASHINGTON MEMORIAL PARKWAY
Public Hearing and Consideration of a request for an amendment to the City of Alexandria Zoning Ordinance to revise the CDD Zone regulations, Section 5-600, to allow for a revised Monroe Avenue connection for the Monroe Avenue Bridge. Staff: Departments of Planning and Zoning and Transportation and Environmental Services.

PLANNING COMMISSION ACTION: Recommend Denial 6-0-1

(A copy of the Planning Commission report dated February 7, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6, 2/25/06, and is incorporated as part of this record by reference.

A copy of the City Manager's memorandum dated February 21, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 6, 2/25/06, and is incorporated as part of this record by reference.)

Mr. Baier, along with Ms. Baker and Mr. Culpepper, made a presentation of the report and answered questions of Council. Ms. Baker said they are recommending that Monroe Avenue be constructed today as it was approved, option 1, but that it reserve right-of-way in what is considered to be the park area, to allow the two-way slip ramp to be constructed at a later date, option 2, if the traffic thresholds are met.

Mr. Jay Johnson, Assistant Superintendent for Finance and Administration for the City Schools, commented on the effect the Monroe Avenue realignment options will have on a future school site in Potomac Yard in Landbay K and requested Council to uphold the Planning Commission's decision to deny the proposed text amendment.

Mr. John Hill, architect with Grimm and Parker, spoke about the feasibility of putting an elementary school on the site.

Mr. Arthur Schmalz, City School Board member, spoke to urge Council to continue to maintain the approved option 1 as the desired and preferred alignment for the Monroe Avenue interchange.

The following persons participated in the public hearing on this item:

(a) Maria Wildes, 3452 Martha Custis Drive, said it is not an environmentally friendly proposal to tear up a perfectly good bridge. She also spoke about Route 1 being a tractor trailer route and the safety problems with it, and Council needs to listen to the residents.

(b) Allan Highman, 312 E. Custis Avenue, encouraged Council to find the right solution for the citizens before finalizing the Monroe Avenue bridge project and the recommendation from the Planning Commission is not the right solution. He said it needs to acquire and set aside ample land for the future site of a school, it needs to acquire and set aside ample land for a current and future recreational open space needs, in addition to the school site, and it needs to reconfigure Monroe Avenue for convenient and safe access to Route 1 to keep increased traffic off Del Ray streets.

(c) Marlin Lord, 2724 Hickory Street, supported denial by the Planning Commission and to stay with option 1, as did Larry Grossman, who was unable to stay.

(d) Michael Neilson, 4110 Ft. Worth Place, speaking as a youth sports volunteer, urged Council to adopt option 1.

(e) Amy Slack, 2307 E. Randolph Avenue, said there is a chance to do the bridge better the second time around, and she said she agreed with the Planning Commission and supported option 1.

(f) David Fromm, 2307 E. Randolph Avenue, said the DRCA supports option 1, and expects the City to follow through pro-actively on monitoring and mitigating the traffic. He asked Council to express support for four way stop signs in the neighborhoods and encouraging staff and the traffic and parking board to expedite their approval and installation.

(g) Bill Hendrickson, 304 E. Spring Street, said it should stick with the already

approved plan, unless they find there are problems.

(h) Brian Reid, 18 E. Howell Avenue, along with his wife Beth and daughter Cleo, urged Council to adopt option 2.

(i) Paul Lininghan, 401 E. Monroe Avenue, said it should not waste any more money on the Monroe Bridge options, and said it should move forward with promise and not retreat into an action.

(j) Leslie Barnes Hagan, 419 E. Howell Avenue, spoke of the need for a school site when Potomac Yard was being sold, and said her concern was of the loss of Monroe Avenue as a major traffic conductor for all areas west of Route 1. She said it is important to reach out to the constituency that is affected by the decisions of Council.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Gaines and carried unanimously, City Council closed the public hearing. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

A MOTION WAS MADE by Councilman Krupicka, seconded by Vice Mayor Pepper, to defer the action to so the City Attorney can bring it back on February 28 to incorporate language that would provide flexibility to consider option 2 to ensure they are able to make accommodations for ensuring both available space to site a school and parks.

Councilman Macdonald said he would like to insert language to the effect that they will try to preserve the same amount of active recreational fields that it currently has, so it doesn't lose the current amount of ballfields it has.

Mayor Euille said the actions next Tuesday relative to the item is to move forward to construct the bridge, and the other discussions will not stop that process.

The voting was as follows:

Krupicka	"aye"	Gaines	"aye"
Pepper	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

The following item was heard out of turn:

21. Pursuant to a motion made by City Council on January 10, 2006, City Council will reconsider a motion made on December 17, 2005, for the following item:

SPECIAL USE PERMIT #2005-0114
301 LAVERNE AVENUE
SUBSTANDARD LOT DEVELOPMENT
Public Hearing and Consideration of a request for a special use permit to construct a single family dwelling on a substandard lot; zoned R-2-5/Residential. Applicant: Brett Rice by Duncan Blair, attorney (Deferred from 11/12/05)

PLANNING COMMISSION ACTION: Recommend Denial 7-0

(A copy of the City Manager's memorandum dated February 21, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 21, 2/25/06, and is incorporated as part of this record by reference.)

A motion was made by Councilman Krupicka that City Council reversed the Planning Commission decision and approve option #3, with a provision that they take the money for Turner Avenue sidewalk and put it into a CIP fund for the neighbors to use, and with a condition that the fence be no more than 42 inches in height. The motion died for lack of a second.

A motion was made Councilman Macdonald, seconded by Vice Mayor Pepper, that City Council uphold the Planning Commission's decision to deny the application.

WHEREUPON, a substitute motion was made by Councilman Smedberg, seconded by Councilwoman Woodson, to reverse the Planning Commission decision and approve option #3, with a condition that the fence be no more than 42 inches in height.

Councilman Krupicka asked that the money that the applicant was originally going to spend on sidewalks be spent on tree plantings on the property and the public right-of-way.

Mayor Euille said that doesn't need to be part of the motion - the applicant is present to hear the request.

The voting to have the substitute motion was as follows:

Smedberg	"aye"	Pepper	"no"
Woodson	"aye"	Gaines	"aye"
Euille	"aye"	Krupicka	"aye"
	Macdonald	"no"	

The voting on the main motion was as follows:

Smedberg	"aye"	Pepper	"no"
Woodson	"aye"	Gaines	"aye"
Euille	"aye"	Krupicka	"aye"
	Macdonald	"no"	

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Council took a 20 minute break.

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REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

7. Public Hearing on the Recommendation on Revised Planning and Zoning Fees. (#20, 2/14/06)

(A copy of the City Manager's memorandum dated February 9, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 2/25/06, and is incorporated as part of this record by reference.)

WHEREUPON, a motion was made by Vice Mayor Pepper and seconded by Councilman Krupicka, that City Council approve the Planning Commission recommendation, with the following amendments: the appeals fees be kept at the current rate; all non-development special use permit fees be kept at the current fee; and the final site plan fee go from $6.00 to $8.00 per 100 square feet of development.

Councilman Krupicka said they should come back in a year or 18 months and take another look at it, as the goal for development fees should be the same as Arlington.

Mayor Euille said his recommended change was to ask the City Manager to come back in the context of next year's budget with a revision and reconsideration of fees, but that same language can apply here.

The voting was as follows:

Pepper	"aye"	Gaines	"aye"
Krupicka	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

ORDINANCES AND RESOLUTIONS

8. Public Hearing on a Resolution to Adopt Increases and Changes in Fees for Code Enforcement Permits, Reviews and Inspections. (#15, 1/24/06) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated January 18, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 2/25/06, and is incorporated as part of this record by reference.

WHEREUPON, a motion was made by Vice Mayor Pepper, seconded by Councilman Gaines, to adopt the resolution to adopt increases and changes in fees for Code Enforcement permits, reviews and inspections, which carried unanimously by roll call vote, as follows:

Pepper	"aye"	Krupicka	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

The resolution reads as follows:

RESOLUTION NO. 2179

WHEREAS, section 8-1-29(a) of The Code of the City of Alexandria, Virginia, 1981, as amended, provides that all fees for permits, inspections and certificates required by the Virginia Uniform Statewide Building Code shall be as established by resolution of the city council; and

WHEREAS, Resolution No. 2067, adopted by city council on April 12, 2003, which incorporated an attached fee schedule, is the most recent establishment of such fees by the council; and

WHEREAS, city council has determined that the fee schedule set forth in Resolution No. 2067 is in need of amendment and adjustment to change the fees charged for permits that authorize construction, to include alterations, additions, trade work (electrical, plumbing, mechanical and fire protection systems); fire prevention code permits; property maintenance inspections; and associated staff services for these functions and the fire protection retesting program.

NOW, THEREFORE, BE IT RESOLVED BY THE
CITY COUNCIL OF ALEXANDRIA, VIRGINIA:

1. That the fee schedule attached hereto, entitled "City of Alexandria, Virginia, Code Enforcement Bureau, Fee Schedule," dated February 25, 2006, is deemed to contain fair and appropriate fees to be paid by persons seeking various permits, inspections and certificates, and other services, from the city's Code Enforcement Bureau;

2. That said fee schedule shall be, and hereby is, approved and incorporated by reference in this resolution, and shall, until amended or rescinded, set forth the fees to

be charged for various permits, inspections and certificates that are required by the Virginia Uniform Statewide Building Code and are issued by the city's Code Enforcement Bureau, as well as for other services that are performed by the bureau;

3. That Resolution No. 2067, adopted on April 12, 2003, shall be, and hereby is rescinded; and

4. That this resolution shall be effective on the date of its adoption and the attached fee schedule shall, from that date on, be in full force and effect.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

Planning Commission (continued)

9. SPECIAL USE PERMIT #2005-0128
3129 MOUNT VERNON AVENUE (2C, 3B AND 3C)
COMMERCIAL SCHOOL
Public Hearing and Consideration of a request for a special use permit to operate a commercial school (test preparation); zoned CL/Commercial Low. Applicant: P&N Investments, LLC by Paul Varriale

PLANNING COMMISSION ACTION: Recommend Approval as amended 7-0

(A copy of the Planning Commission report dated February 7, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9, 2/25/06, and is incorporated as part of this record by reference.)

Mr. Josephson made a presentation of the staff report.

The following persons participated in the public hearing on this item.

(a) Paula Hoelzel, 12 Herbert Street, president of the Mt. Vernon Square Condo Association and the owner of the Purple Goose on Mt. Vernon Avenue, spoke to the company doing business on the weekend with regard to increased insurance and maintenance costs, and she spoke to the parking problem.

(b) Sharon Lieblich, 3131 Mt. Vernon Avenue, said staff has made a mistake in the application, where it counted net square feet and compared it to gross square feet that is going to be rented by the applicant, in coming up with the ratio to say they meet the requirement. She said the applicant would only have 6.6 parking spots available. She also noted that the applicant did not inform the Council that in addition to the 18 students, they run seminars all day long, and she also said the condition with the hours in the request are incorrect - 5:30 to 10:00 p.m., Monday to Friday, and from 9:00 a.m. to 10:00 p.m. on Saturday and nothing was said about Sunday.

(c) Paul Varriale, 500 N. Washington Street, attorney representing P&N

Investments, spoke in favor of the request and said it was his understanding that Sunday was included. He said it was discussed at the Planning Commission hearing and he asked that it move forward with what it can agree with and defer the rest of it, which was the daytime use.

There was discussion and questions from Council, with staff, on the hours of operation, number of students permitted, and what is the permitted use.

City Attorney Pessoa recommended that Council amend condition #2 to specify the hours be 5:30 p.m. to 10:00 p.m., Monday through Friday, and from 9:00 a.m. to 10:00 p.m., Saturday and add a condition that specifically says there will be no more than 18 students at one time, with no classes on Sunday, as it was not in the submitted application.

WHEREUPON, upon motion by Councilman Smedberg, seconded by Vice Mayor Pepper and carried unanimously, City Council approved the Planning Commission recommendation, with a change to condition #2 that the hours be 5:30 p.m. to 10:00 p.m., Monday through Friday and from 9:00 a.m. to 10:00 p.m. Saturday; and with a new condition that specifically says there will be no more than 18 students at one time. The voting was as follows:

Smedberg	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Woodson	"aye"	

10. SPECIAL USE PERMIT #2005-0131
1901 MOUNT VERNON AVENUE
ART OUT LOUD
Public Hearing and Consideration of a request for a special use permit amendment to allow alcohol service, an increase in the number of seats and for a parking reduction at an art gallery/restaurant; zoned CL/Commercial Low. Applicant: Eric Nelson

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated February 7, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10, 2/25/06, and is incorporated as part of this record by reference.)

The following person participated in the public hearing on this item:

(a) David Fromm, 2307 E. Randolph Avenue, said the Del Ray Citizens Association supports the special use permit application.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman

Gaines and carried unanimously, City Council closed the public hearing. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Gaines and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

11. SPECIAL USE PERMIT #2006-0001
1215-1217 FIRST STREET
YATES AUTO CARE
Public Hearing and Consideration of a request for a special use permit for the continuation of a noncomplying light automobile repair, washing and detailing facility; zoned CRMU-H/Commercial Residential Mixed Use High. Applicant: Jeffrey Yates

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated February 7, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11, 2/25/06, and is incorporated as part of this record by reference.)

The following person participated in the public hearing on this item:

(a) Mr. Jeffrey Yates, 1018 N. Henry Street, owner and operator, spoke in support of the request and said the success and continued viability and continued operation of both the Henry Street and First Street property hinges on the long-term continuation of the special use permit. He said a five-year limitation on the permit would make it difficult to justify substantial capital improvements and financing and said he would prefer to have at least a minimum of 10 years.

There was discussion among Council on the time limit for the permit.

WHEREUPON, a motion was made by Councilman Smedberg, seconded by Vice Mayor Pepper, to approve the application, amending condition #22 to set the time limit for the special use permit with the new language presented. The motion failed by a vote of 3-4, as follows:

Smedberg	"aye"	Gaines	"no"
Pepper	"aye"	Krupicka	"no"
Euille	"aye"	Macdonald	"no"
	Woodson	"no"	

WHEREUPON, upon motion by Councilman Macdonald, seconded by Vice Mayor Pepper and carried 5-2, City Council approved the Planning Commission recommendation, with an amendment to condition #22 to set the time limit for the special use permit at 10 years. The voting was as follows:

Macdonald	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Smedberg	"no"
	Woodson	"no"	

Items 12 through 18 were heard together:

12. DEVELOPMENT SPECIAL USE PERMIT #2005-0031
301, 315 & 201 STOVALL STREET, 312 & 314 TAYLOR DRIVE, 2425 MILL ROAD
HOFFMAN DEVELOPMENT - BLOCKS 2 AND 3
Public Hearing and Consideration of a request for a development special use permit, with site plan, for the construction of office buildings with below and above grade parking structures; zoned CDD-2/Coordinated Development District. Applicant: Hoffman Company, LLC by Jonathan Rak, Attorney

PLANNING COMMISSION ACTION: Recommend Approval as amended 6-0

13. DEVELOPMENT SPECIAL USE PERMIT #2005-0032
200 STOVALL STREET AND 2410 MILL ROAD
HOFFMAN DEVELOPMENT - BLOCKS 4 AND 5
Public Hearing and Consideration of a request for a development special use permit, with site plan, for the construction of office, retail and residential buildings with above and below grade parking structures; zoned CDD-2/Coordinated Development District. Applicant: Hoffman Company, LLC by Jonathan Rak, Attorney

PLANNING COMMISSION ACTION: Recommend Approval as amended 6-0

14. DEVELOPMENT SPECIAL USE PERMIT #2005-0033
2400 EISENHOWER AVENUE
HOFFMAN DEVELOPMENT - BLOCKS 9A AND 9B
Public Hearing and Consideration of a request for a development special use permit, with site plan, for the construction of office, retail and hotel buildings with

below and above grade parking structures; zoned CDD-2/Coordinated Development District. Applicant: Hoffman Company, LLC by Jonathan Rak, Attorney

PLANNING COMMISSION ACTION: Recommend Approval as amended 6-0

15. DEVELOPMENT SPECIAL USE PERMIT #2005-0034
2210 EISENHOWER AVENUE
HOFFMAN DEVELOPMENT - BLOCKS 11 AND 12
Public Hearing and Consideration of a request for a development special use permit, with site plan, for the construction of retail and residential buildings with below and above grade parking structures; zoned CDD-2/Coordinated Development District. Applicant: Hoffman Company, LLC by Jonathan Rak, Attorney

PLANNING COMMISSION ACTION: Recommend Approval as amended 6-0

16. DEVELOPMENT SPECIAL USE PERMIT #2005-0035
2000 EISENHOWER AVENUE
HOFFMAN DEVELOPMENT - BLOCKS 24 AND 25A
Public Hearing and Consideration of a request for a development special use permit, with site plan, for the construction of office and residential buildings with above grade parking structures; zoned CDD-11/Coordinated Development District. Applicant: Hoffman Company, LLC by Jonathan Rak, Attorney

PLANNING COMMISSION ACTION: Recommend Approval as amended 6-0

17. SPECIAL USE PERMIT (TRANSPORTATION MANAGEMENT PLAN) #2005-0115
201, 200, 301 & 315 STOVALL STREET, 312 & 314 TAYLOR DRIVE, 2425 & 2410 MILL ROAD, 2400, 2210 & 2000 EISENHOWER AVENUE
HOFFMAN DEVELOPMENT
Public Hearing and Consideration of a request for a special use permit for an amendment to the transportation management plan for the subject properties; zoned CDD-2/Coordinated Development District and CDD-11/Coordinated Development District. Applicant: Hoffman Company, LLC by Jonathan Rak, Attorney

PLANNING COMMISSION ACTION: Recommend Approval as amended 6-0

18. COORDINATED DEVELOPMENT DISTRICT #2005-0002
200, 201, 301 & 315 STOVALL STREET, 312 & 314 TAYLOR DRIVE, 2425 & 2410 MILL ROAD, 2400, 2210 & 2000 EISENHOWER AVENUE
HOFFMAN DEVELOPMENT
Public Hearing and Consideration of a request for an amendment to the CDD concept design plan; zoned CDD-2/Coordinated Development District and

CDD-11/Coordinated Development District. Applicant: Hoffman Company, LLC by Jonathan Rak, Attorney

PLANNING COMMISSION ACTION: Recommend Approval as amended 6-0

(A copy of the Planning Commission report dated February 7, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item Nos. 12 through 18, 2/25/06, and is incorporated as part of this record by reference.)

Planning Director Fogarty made a presentation of the staff report and answered questions of Council.

The following persons participated in the public hearing on this item:

(a) Jonathan Rak, 1750 Tysons Blvd., McLean, attorney representing the applicant, said he is joined by Michael Perrine, the executive vice president of the Hoffman Companies, spoke in favor of the requests and submitted a letter dated February 24 that requests several changes to the Planning Commission's recommendation.

(b) Clarke Ewart, 2351 Eisenhower Avenue, representing Paradigm Development Company, said his comments pertain to the SUP conditions attached to the proposal and said they are building the Mill Race project at the Eisenhower Metro and his comments relate to the SUP for the AMC Theaters site. He spoke to the Holmes Run trunkline sewer being built by both Paradigm and Hoffmann, and Hoffmann's refusal to start on their half of the sewer when they started theirs, which was a problem. The City authorized Paradigm to undertake the entire sewer line, which they did, and they have now not received reimbursement from Hoffmann for the work done. He requested that Council consider Hoffmann's failure to abide by their conditions previously set forth and that Council take the appropriate steps to make sure Hoffmann meet their previous site plan obligations and reimburse the $3.5 million to Paradigm.

In response to a question from Mayor Euille, Mr. Pessoa said this matter is going to the Board of Zoning Appeals and Council can proceed today.

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously, City Council closed the public hearing. The voting was as follows:

Krupicka	"aye"	Gaines	"aye"
Pepper	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor

Pepper and carried unanimously, City Council approved the Planning Commission recommendations for docket items #12, 13, 14, 15, 16, 17 and 18, with the amendments noted in the letter from McGuire Woods dated February 24, 2006. The voting was as follows:

Krupicka	"aye"	Gaines	"aye"
Pepper	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

19. TEXT AMENDMENT #2005-0006
COORDINATED DEVELOPMENT DISTRICTS
Public Hearing and Consideration of a request to amend Section 5-602 of the Zoning Ordinance pertaining to the provisions for CDD Special Use Permit within CDD#2 Eisenhower Avenue Metro and CDD#11, South Carlyle; and to enact Section 5-611 pertaining to the establishment of the Eisenhower East Design Review Board. Staff: Department of Planning and Zoning

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated February 7, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 19, 2/25/06, and is incorporated as part of this record by reference.)

There was a discussion among Council with having a Council member as a member of the Board. Mr. Pessoa said when the ordinance is brought back, he will put in language that will say, "Member of Council or designee of City Council" and it can be delegated.

WHEREUPON, upon motion by Councilman Macdonald, seconded by Vice Mayor Pepper and carried unanimously, City Council approved the Planning Commission recommendation, with the suggested change to the make-up of the Board, which will come back as part of the ordinance. The voting was as follows:

Macdonald	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

20. TEXT AMENDMENT #2006-0001
ENVIRONMENTAL MANAGEMENT ORDINANCE
Public Hearing and Consideration of a request for a text amendment to Article XIII of the Environmental Management Ordinance. Staff: Department of Transportation and Environmental Services

PLANNING COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated February 7, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 20, 2/25/06, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Councilman Gaines and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

ORDINANCES AND RESOLUTIONS (continued)

22. Public Hearing, Second Reading and Final Passage of an Ordinance to Establish a City-wide Recycling Program as Well as Related Reporting and Enforcement. (#12, 2/14/06) **(ROLL-CALL VOTE)**

(A copy of the City Manager's memorandum dated February 8, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 22; 2/25/06, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 22, 2/25/06, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each Member of Council received a copy not less than 24 hours before said introduction, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 22, 2/25/06, and is incorporated as part of this record by reference.)

Mr. Pessoa said there is one technical amendment to the ordinance, which is to replace "certificate of occupancy" with "business license."

The following person participated in the public hearing on this item:

(a) Maria Wildes, 3452 Martha Custis Drive, spoke of the recycling in her neighborhood. She noted that they have 19,000 homes that get trash pick-up and there are 40,000 other units that never get any information from the Department of Environmental Services mailed to their homes, and she asked Environmental Services to make sales calls to the condominium associations on the new regulations. She asked Council to postpone the establishment or amend the dates for when it has to be in effect. She also noted that white goods are not mentioned.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Pepper and carried unanimously by roll-call vote, City Council closed the public hearing and passed the ordinance to establish a City-wide recycling program as well as related reporting and enforcement, with the following amendments: page 11, line 10, at the beginning of the line, strike "certificate of occupancy" and insert "business license; page 11, line 20, after Alexandria, strike "certificate of occupancy" and insert "business license" and page 12, line 31, at the beginning of the line, strike "certificate of occupancy" and insert "business license." The voting was as follows:

Woodson	"aye"	Gaines	"aye"
Pepper	"aye"	Krupicka	"aye"
Euille	"aye"	Macdonald	"aye"
	Smedberg	"aye"	

The ordinance reads as follows:

ORDINANCE NO. 4438

AN ORDINANCE to add a new Article H (RECYCLING) to Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) to Chapter 1 (SOLID WASTE CONTROL) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS

Section 1. That Chapter 1 of Title 5 of the Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same is amended by adding thereto a new Article H to read as follows:

Sec. 5-1-90 – Findings of fact and declarations of policy

The City Council of the City of Alexandria finds that in order to preserve natural resources, conserve energy, reduce the amount of disposable waste and the cost of waste disposal, and provide for a more efficient and effective means of disposing of waste materials, it is appropriate to exercise the police power in order to initiate a mandatory recycling program. Therefore, in order to reduce the volume of solid wastes and to encourage the effort to recover and reuse valuable resources, this mandatory recycling program is established.

Sec. 5-1-91 - Definitions

The following words and phrases, when used in this article, shall for the purposes of this article have the meanings ascribed to them in this section, except for those instances where otherwise expressly provided.

(1) *Business* . Any person, partnership, corporation, limited liability company, sole

proprietorship, institution, or other entity, operating in the City of Alexandria. This definition excludes home-based businesses, as defined elsewhere herein, and landscaping and lawn maintenance companies.

(2) *Commingled Containers* . Any food and beverage containers, such as bottles, jars, and cans that are made from glass, plastic, steel (tin), or aluminum that is collected in a single container for recycling.

(3) *Hauler* . Any person, partnership, corporation, or other public or private entity that collects and/or transports recyclable materials within the City of Alexandria.

(4) *Home-based business.* Any business conducted out of a residential dwelling or a portion thereof conducted in accordance with the terms and conditions set forth in Zoning Ordinance 7-300, et seq.

(5) *Property management company or homeowners association* – a business or association of homeowners within a community whose principal purpose is to ensure the provision of and maintenance of community facilities and services for the common benefit of the residents, including arranging for solid waste and recycling services.

(6) *Multiple-family dwelling.* A building, or portion thereof, designed for occupancy by four (4) or more families living independently. Home-based businesses operating from an individual unit within such dwellings are subject to the requirements of this article for units within multiple-family dwellings.

(7) *Paper/mixed paper.* Any old newspapers, magazines, office paper, specialty papers, paperboard, colored paper, or other approved grades of paper, including corrugated cardboard and paper bags, that is collected in a single receptacle for recycling.

(8) *Principal recyclable materials (PRMs).* Brush/leaves/grass, clean wood/pallets, commingled containers, food waste, paper/mixed paper, plastic film, tires, textiles, and used oil.

(9) *Single-family dwelling. See Section 5-1-2(7).*

(10) *Supplemental recyclable materials (SRMs).* Abandoned automobiles, ash, batteries, construction and demolition waste, electronics, fluorescent light bulbs, kitchen grease & fat, sludge (composted), tree stumps, used antifreeze, and used oil filters.

(11) *Responsible party.* For single-family dwellings that do not have collection arranged through a homeowner's association or similar entity and who are eligible for participation in the City's curbside collection program, the responsible party shall be the dwelling occupant. For single-family residents who have collection services provided through their property management company or homeowners association, the responsible party shall be the property management company or homeowners

association. For a multiple-family dwelling, the responsible party shall be the owner, manager, or agent and, if different, the party responsible for the management and disposal of solid waste generated at that property. For a business, the responsible party shall be the business or property owner, manager or agent and, if different, the party responsible for the management and disposal of solid waste generated at that business.

Sec. 5-1-92 Effective Date.

The effective date of this Article shall be July 1, 2006.

Sec. 5-1-93 Requirements for materials to be collected_

(a) The responsible party of each single-family dwelling eligible for City curbside collection, or any property management company or homeowners association that contracts directly with a hauler for curbside collection, must establish a system to separate mixed paper and commingled containers from refuse for recycling.

(b) The responsible party of each multiple-family dwelling must establish a collection system to separate mixed paper and commingled containers from refuse for recycling.

(c) The responsible party of each business must establish a collection system to separate the two (2) Principal Recyclable Materials (PRMs) that the business generates annually in the greatest quantities. In multiple-tenant properties in which individual businesses do not manage their own solid waste, the two (2) PRMs are determined on the basis of the property's combined waste stream. Each new business that begins operations after July 1, 2006, is required to establish a collection system within sixty-(60) days after receiving a City of Alexandria Business License. The responsible party is encouraged to recycle Supplemental Recyclable Materials (SRMs) to the best of their ability and is required to report the amount of SRMs recovered in their recycling data report. Notwithstanding the foregoing, businesses generating less than one (1) cubic yard of recyclable materials per week (i.e.. 4, 60-lbs bags) may comply with the terms of this article by depositing recyclable materials at City drop-off centers.

(d) The responsible party for each federal, state or local government agency must establish a collection system to separate the two (2) PRMs that are generated in the greatest quantities. Each agency that has a new office or facility that begins operations after July 1, 2006, is required to establish a collection system within sixty-(60) days after receiving a City of Alexandria Business License, or from the effective date of the lease agreement. The responsible party is encouraged to recycle SRMs to the best of their ability and is required to report the amount recovered in their recycling data report.

Sec. 5-1-94 Notification Requirements_

(a) Haulers permitted to operate in the City of Alexandria will be responsible for notifying their customers that recycling is mandatory for all businesses and multiple-family dwellings. As part of any service agreements or contracts, haulers will be responsible for providing customers with the appropriate containers, signage, and collection services to adequately address their recycling needs, relative to industry safety and technical standards.

(b) The responsible party of any property management company or homeowners association, business, federal, state, or local government agency, or multiple-family dwelling shall notify, in writing, its tenants, employees and/or clients, as applicable, that recycling participation is mandatory. Written notification (i.e., letter, newsletter, email notice, etc.) shall be provided within fifteen (15) days to all new tenants and employees and no less frequently than bi-annually thereafter to all existing tenants and employees. The written notification shall set forth the requirements of this article and include at a minimum:

1. Source separation of recyclable materials from the waste stream is mandatory for all tenants and employees;
2. What materials will be recycled;
3. How the recyclables are to be prepared;
4. Any set-out requirements;
5. Location of the recycling containers;
6. Prohibitions against contamination of source separated recyclable material;
7. The collection schedule for recyclable material
8. Name and telephone number of a representative of the business or multiple-family dwelling whom the tenant or employee should contact with any questions.

(c) The responsible party shall include the City's Commercial Recycling Specialist or such other City representative(s) as may be designated by the City on their notification distribution list.

(d) The responsible party of any property management company or homeowners association, business, federal, state, or local government agency, or multiple-family dwelling shall ensure that all recycling signs and instructions are displayed prominently in public areas and directional signs are used to direct tenants to the recycling collection area.

Sec. 5-1-95 Reporting requirements_

(a) The responsible parties for a single-family dwelling property management company or homeowners association, business, federal, state or local government agency or multiple-family dwelling are required to submit an implementation plan to the Department of Transportation & Environmental Services by January 1, 2007 and every second year following. Notification for submissions of these forms will be sent by the

Department of Transportation & Environmental Services to each multiple-family dwelling and business address by November 1, prior to each year reports are due.

(b) The responsible party for each new property management company or homeowners association or multiple-family dwelling that is occupied after July 1, 2006 is required to submit this plan within sixty- (60) days from the date of first occupancy by a tenant. The responsible party and business owner, if different, of each new business that begins operations after July 1, 2006, are required to submit this plan within sixty- (60) days after receipt of a City of Alexandria Business License. The implementation plan must be approved by the Director of the Department of Transportation & Environmental Services or his designee to comply with the terms of this article.

(c) Implementation plans may be rejected if 2 PRMs have not been selected, or if one or both of the PRMs selected are not generated in larger quantities than other recyclable materials. Plans may also be rejected if the responsible party does not provide the following information: contact name, phone number, email address, mailing address, square footage of property, number of employees, name of solid waste and/or recycling services providers, number of containers, number of compactors, frequency of collection, and other relevant information requested. If an implementation plan is rejected by the Department of Transportation & Environmental Services, the submitting responsible party has thirty- (30) days from notification of the rejection to submit a revised plan for approval.

(d) The responsible party for each property management company or homeowners association, federal, state or local government agency, multiple-family dwelling and the responsible party and business owner, if different, of each property are required to submit a recycling data report to the Department of Transportation & Environmental Services by March 15, 2007 and every second year following for recycling activities during the proceeding one-year period. Notification for submission of these forms will be sent by the Department of Transportation & Environmental Services to each multiple-family dwelling and business address by January 31, 2007.

(e) All permitted haulers in the City of Alexandria are required to submit an annual hauler recycling data report to the Department of Transportation & Environmental Services i) documenting the tonnage and types of materials collected from all single-family property management companies or homeowners associations, federal, state or local government agencies, businesses, and multiple-family dwellings; and ii) itemizing all solid waste and recycling containers of a volume greater than 3 cubic yards, including, but not limited to, dumpsters, roll-offs or other containers, owned by the hauler and deployed with the City of Alexandria. This report must be submitted by March 15, 2007 and each year following for recycling activities during the preceding calendar year. Notification for submission of this report will be sent by the Department of Transportation & Environmental Services by March 15, 2007 and each year following. All haulers are required to provide a list of its City of Alexandria customers with this report.

Sec. 5-1-96 Adaptations for materials

(a) Limited adaptations, as set forth below, may be approved by the Director of Department of Transportation & Environmental Services or his designee. Applications for adaptation from the requirements shall be submitted to the Department of Transportation & Environmental Services on City forms. An adaptation may be allowed where compliance with the ordinance would result in unnecessary hardship to the applicant and the need for adaptation would not be shared generally by other applicants, provided such an adaptation is not contrary to the intended spirit and purpose of this article and would result in substantial justice being done. All adaptations are to be construed as temporary, for a period not to exceed one (1) year, and shall be considered withdrawn on the first to occur of (a) a change in the condition(s) which prompted the adaptation, or (b) the expiration of the time period granted in the adaptation. Should an adaptation be withdrawn because the time period has expired, and applicant may apply for renewal of the adaptation. Application forms will be available online at: . Applications are evaluated against the following criteria:

1. Incompatibility of compliance with the requirements of this article and compliance with other City of Alexandria ordinances or other laws;
2. Unavailability of collectors or acceptors (defined as licensed haulers of recyclable materials or intermediate or final processors of recyclable materials) for one (1) or more of the required recyclable materials.
3. Unavailability of on-site space for the preparation and temporary storage of one (1) or more of the required recyclable materials;
4. Extreme disparity between the applicant's cost of recycling one (1) or more of the required recyclable material(s); or
5. Negligible generation rates of one (1) or more of the required recyclable materials.

The Director of the Department of Transportation & Environmental Services or his designee will consider these criteria in evaluating the application and will consider the compliance rate, implementation plans, and recycling programs of similar businesses in the City of Alexandria. The Director of Department of Transportation & Environmental Services or his designee will prepare a report on the applicant's property.

(b) After reviewing the information described above, the Director of the Department of Transportation & Environmental Services or his designee will take one (1) of the following actions:

1. Grant an adaptation that requires the applicant to recycle alternative materials identified by the Department of Transportation & Environmental Services;
2. Grant an adaptation that reduces the number of types of materials required to be recycled; or
3. Deny the request for adaptation.

Sec. 5-1-97 Penalties

(a) The failure by a hauler to timely notify its customers pursuant to Sec. 5-1-94(a) or submit conforming recycling data reports pursuant to Sec. 5-1-95(e) shall be a class three civil violation11 For a class three civil violation, the penalty for each individual violation shall be $500 for the first violation, $1,000 for the second violation of the same regulation or requirement arising from the same set of operative facts, and $1,500 for each additional violation of the same regulation or requirement arising from the same set of operative facts
, as set forth in Sec. 1-1-11(b)(3) herein for every month the reports are not properly submitted. Any hauler who is assessed with a total of three separate civil violations pursuant to this section may be subject to revocation of its City of Alexandria hauler's permit. Enforcement for recycling data reports will begin February 1, 2007.

(b) The failure by a responsible party for each single-family dwelling property management company or homeowners association, business, or multiple-family dwelling that generates *more than ten tons* of solid waste to timely provide notification or submit conforming implementation plans and data reports pursuant to Sections 5-1-94 and -95 shall be a class three civil violation, as set forth in Sec. 1-1-11(b)(3) herein for every month the reports are not properly submitted. The failure by a responsible party for each single-family dwelling property management company or homeowners association, business, or multiple-family dwelling that generates *less than ten tons* of solid waste to timely provide notification or submit conforming implementation plans and data reports pursuant to Sections 5-1-94 and -95 shall be a class five22 For a class five civil violation , the penalty for each individual violation shall be $25 for the first violation, $50 for the second violation of the same regulation or requirement arising from the same set of operative facts, and $100 for each additional violation of the same regulation or requirement arising from the same set of operative facts
civil violation, as set forth in Sec. 1-1-11(b)(5) herein for every month the reports are not properly submitted. The failure to comply with the notification and reporting requirements set forth in Sections 5-1-94 and -95 by an entity for *which no data on the amount of solid waste generated is available* shall be a class four33 For a class four civil violation , the penalty for each individual violation shall be $100 for the first violation, $250 for the second violation of the same regulation or requirement arising from the same set of operative facts, and $500 for each additional violation of the same regulation or requirement arising from the same set of operative facts
civil violation as set forth in Sec. 1-1-11(b)(4) herein. Enforcement of implementation plan submission requirements will begin February 1, 2007.

(c) The City's Department of Transportation & Environmental Services shall have responsibility for responding to complaints, assessing compliance, levying penalties, violations and fines and otherwise enforcing the terms and provisions of this Article. All fines assessed pursuant to this Article shall be will be levied as a civil penalty, enforceable through the City Treasurer's office.

Sec. 5-1-98 Right to appeal notices, fines and denials of requests for adaptation_

Upon service of a notice of violation, fine or denial of a request for an adaptation as provided herein, the responsible party or business owner shall have the right to appeal such notice, fine or denial and shall be granted a hearing before the Director of Department of Transportation & Environmental Services or his designee, provided that a written appeal and request for hearing is received by the Director of Department of Transportation & Environmental Services within five (5) working days after service of the notice. Upon receipt of such an appeal or request, the director of Department of Transportation & Environmental Services or his designee shall advise the appellant of the time and place of the hearing, shall convene the hearing, shall consider the evidence, and shall render a decision in writing and provide a copy to the appellant within fifteen (15) business days following the hearing. The Director of Transportation & Environmental Services shall ensure that the person hearing any appeal hereunder did not have any direct involvement in the notice, fine or denial from which the appeal is taken.

Sec. 5-1-99 Adequate space

(a) All new and significantly remodeled occupied structures shall provide for the collection and storage of refuse. All new and significantly remodeled occupied structures over 2,000 square feet shall provide adequate space for the collection and storage of recyclable materials. For the purposes of this section "significantly remodeled" shall mean structures where fifty percent or more of the exterior of the structure is reconstructed, remodeled or modified (excluding painting or changing exterior cladding materials).

(b) The following buildings shall be exempt from Sec. 5-1-99(a) above:

(1) Single-family dwellings; and
(2) Multiple-family dwellings where there are no central or communal refuse/recycling collection or storage facilities, and where refuse and recyclable materials are stored and collected on an individual unit basis.

(c) The amount of space provided shall be adequate for the collection and storage of the amount of recyclable materials generated by the building, and shall be designed to accommodate containers consistent with current methods of local collection, and shall accommodate for example containers for the collection of mixed paper, commingled containers, or other recyclables.

(d) Storage and collection containers shall be clearly labeled or identified to indicate the type of materials accepted. Recyclable materials storage areas shall be located adjacent to refuse collection and storage areas in order to

provide convenient recyclable materials storage areas.

Section 2. That this ordinance shall become effective July 1, 2006.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

23. CITY CHARTER SECTION 9.06 #2006-0001
0 PRINCE STREET AND 200 STRAND STREET
Consideration of the acquisition of two parcels of waterfront property, at 0 Prince Street and 200 Strand Street, pursuant to the provisions of Section 9.06 of the City Charter. Applicant: City of Alexandria.

PLANNING COMMISSION ACTION: Approved 7-0

(THIS ITEM IS NOT SET FOR PUBLIC HEARING BUT IS FOR CITY COUNCIL'S INFORMATION ONLY - NO APPROVAL IS NECESSARY.)

(A copy of the City Manager's memorandum dated February 21, 2006, is on file in the Office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 23, 2/25/06, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Krupicka, seconded by Vice Mayor Pepper and carried unanimously, City Council received the report. The voting was as follows:

Krupicka	"aye"	Gaines	"aye"
Pepper	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

DEFERRAL/WITHDRAWAL CONSENT CALENDAR (24)

Planning Commission (continued)

24. TEXT AMENDMENT #2005-0007
FOR THE PROPERTIES BOUNDED BY FOUR MILE RUN, JEFFERSON DAVIS HIGHWAY, BRADDOCK ROAD, SLATERS LANE AND THE GEORGE WASHINGTON MEMORIAL PARKWAY
Public Hearing and Consideration of a request for an amendment to the City of Alexandria Zoning Ordinance to revise the CDD Zone regulations, Section 5-600, to eliminate the requirement for a pedestrian connection for the Monroe Avenue Bridge. Applicant: Departments of Planning and Zoning and Transportation and Environmental Services.

PLANNING COMMISSION ACTION: Deferred

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

City Council noted the deferral.

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THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilman Krupicka, seconded by Councilman Gaines and carried unanimously, the regular meeting of February 28, 2006, was adjourned at 4:58 p.m. The voting was as follows:

Krupicka	"aye"	Pepper	"aye"
Gaines	"aye"	Macdonald	"aye"
Euille	"aye"	Smedberg	"aye"
	Woodson	"aye"	

APPROVED BY:

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WILLIAM D. EUILLE MAYOR

ATTEST:

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Jacqueline M. Henderson, CMC City Clerk